

REMARKS

No new matter has been added to the application. Any amendments to and/or cancellation of the claims was done solely for the purpose of expediting prosecution of the present application. Applicants reserve the right to pursue the subject matter of the claims as originally filed in this or a separate application(s).

RESPONSE TO RESTRICTION REQUIREMENT

In the restriction requirement set forth in the Office Action dated January 30, 2007, the Examiner has required restriction, under 35 U.S.C. §121, between the following inventions in the above-identified application:

- Group I: Claims 1-20 and 27-28, drawn to a spinal connector; and
- Group II: Claims 21-26, drawn to a method of connecting a first spinal rod to a second spinal rod.

Accordingly, Applicants herein elect Group I (claims 1-20 and 27-28) with traverse.

Applicants disagree that there would be a serious burden on the Examiner if there was no restriction requirement. The Examiner has already performed a search and rejected the claims from both groups based on cited references. Indeed, the rejection to the claims has already been made final and a Request for Continued Examination has been filed in response. As such, Applicants are confused as to how claims that have previously been searched and prosecuted now present an unreasonable burden on the Examiner.

In addition, the Examiner has required, under 35 U.S.C. §121, that Applicants elect a single disclosed species from the following:

- I. Figure 1
- II. Figure 2

- III. Figure 3
- IV. Figures 4A-4E
- V. Figures 6A-6C
- VI. Figure 7
- VII. Figures 8A-8D

Applicants hereby elect, with traverse, species **IV. Figures 4A-4E** in the sample for prosecution in this application. Claims 1-20 and 27-28 correspond to the species of Figures 4A-4E.

Furthermore, Applicants respectfully submit that independent claims 1, 8, 27 and 28 are generic to all the species as the subject matter recited in the claims covers Species I-VII.

CONCLUSION

In view of the above amendment, Applicants believe that the pending application is in condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue. If a telephone conversation with Applicants' Attorney would expedite the prosecution of the above-identified application, the Examiner is urged to call Applicants' Attorney at (617) 227-7400.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 12-0080, under Order No. DUQ-002RCE from which the undersigned is authorized to draw.

Dated: **February 28, 2007**

Respectfully submitted,

By 

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